

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 116

HOUSE BILL 2414

AN ACT

AMENDING SECTIONS 23-986 AND 41-4151, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 39, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-4153; RELATING TO STATE AGENCY WEB SITES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 23-986, Arizona Revised Statutes, is amended to read:

23-986. Applicability of title 20 to fund; exemption of other statutory provisions; insufficient assets; insurance director duties

A. Unless otherwise provided by law, the provisions of title 20 and the rules adopted by the director of insurance relating to the transaction of insurance apply to the state compensation fund to the same extent as any mutual casualty insurer authorized to write workers' compensation insurance in this state.

B. The marketing representatives of the state compensation fund shall obtain a license from the director of insurance. The marketing representatives of the state compensation fund may not be licensed to sell any other type of insurance other than workers' compensation insurance.

C. If upon examination pursuant to section 20-156, or at any other time, it is the opinion of the director of insurance that the state compensation fund is not possessed of assets at least equal to all liabilities and required reserves together with the minimum required basic surplus and free surplus required of a mutual casualty insurer by title 20, or that its condition is such as to render the continuance of its business hazardous to the public or to the holders of its policies or certificates of insurance, the director of insurance shall do both of the following:

1. Notify the manager and chairman of the board of directors of his determination.

2. Furnish the state compensation fund with a written list of the director's recommendations to abate his determination.

D. The state compensation fund has sixty days from the date of notice within which to comply with the recommendations of the director of insurance. If the state compensation fund fails to comply within such time, the director of insurance shall notify the governor, the president of the senate and the speaker of the house of representatives of the recommendations of the director of insurance which were not complied with by the state compensation fund.

E. The operations, transactions and affairs of the state compensation fund are exempt from the following provisions:

1. Title 35.

2. Title 39, chapter 1, article 1.

3. Title 41, chapter 4.

4. Title 41, chapter 8, article 3.

5. Title 41, chapter 3.1.

6. Title 38, chapter 4.

7. TITLE 41, CHAPTER 39.

1 Sec. 2. Section 41-4151, Arizona Revised Statutes, is amended to read:
2 41-4151. Definitions

3 In this chapter, unless the context otherwise requires:

4 1. "Agency":

5 (a) Means any board, commission, department or other administrative
6 unit of this state established by the Constitution of Arizona or by enactment
7 of the legislature.

8 (b) Includes the legislature, the courts and the governor.

9 (c) DOES NOT INCLUDE THE STATE COMPENSATION FUND.

10 2. "Agency web site" means an agency owned, operated or funded web
11 site connected to the internet and includes web sites accessed through the
12 "Arizona@yourservice" portal.

13 3. "Privacy policy statement" means a description of an agency's
14 information practices."

15 Sec. 3. Title 41, chapter 39, article 1, Arizona Revised Statutes, is
16 amended by adding section 41-4153, to read:

17 41-4153. Agency reports; availability on line

18 A. AN AGENCY THAT MAINTAINS AN AGENCY WEB SITE SHALL POST ON THE
19 AGENCY WEB SITE A COPY OF ANY ANNUAL REPORT OF ACTIVITIES THAT THE AGENCY:

20 1. IS REQUIRED BY LAW TO MAKE.

21 2. ELECTS TO MAKE.

22 B. AN AGENCY THAT POSTS A COPY OF AN ANNUAL REPORT PURSUANT TO
23 SUBSECTION A OF THIS SECTION SHALL NOT DISTRIBUTE PRINTED COPIES OF THE
24 REPORT EXCEPT:

25 1. TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
26 HOUSE OF REPRESENTATIVES.

27 2. THE AGENCY SHALL DISTRIBUTE A SUFFICIENT NUMBER OF PRINTED COPIES
28 OF THE ANNUAL REPORT TO THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
29 RECORDS. THE AGENCY SHALL INCLUDE A NOTICE ON THE AGENCY WEB SITE THAT A
30 COPY OF THE ANNUAL REPORT IS AVAILABLE FOR INTERLIBRARY LOAN FROM THE ARIZONA
31 STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

32 3. PURSUANT TO A REQUEST MADE PURSUANT TO TITLE 39.

33 C. AN AGENCY THAT POSTS A COPY OF AN ANNUAL REPORT PURSUANT TO
34 SUBSECTION A OF THIS SECTION:

35 1. SHALL SEND AN ELECTRONIC OR PRINTED NOTIFICATION TO THE GOVERNOR,
36 EACH MEMBER OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND THE DIRECTOR
37 OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS THAT THE ANNUAL
38 REPORT HAS BEEN POSTED ON THE AGENCY WEB SITE.

39 2. MAY SEND AN ELECTRONIC OR PRINTED NOTIFICATION TO ANY PERSON NOT
40 SPECIFIED IN PARAGRAPH 1 OF THIS SUBSECTION THAT THE ANNUAL REPORT HAS BEEN
41 POSTED ON THE AGENCY WEB SITE.

42 D. THE PRINTED COPIES OF AN ANNUAL REPORT DISTRIBUTED PURSUANT TO
43 SUBSECTION B OF THIS SECTION SHALL COMPLY WITH THE REQUIREMENTS OF SECTION
44 39-102.

1 Sec. 4. Notice of savings

2 If an agency that maintains an agency web site has distributed printed
3 copies of an annual report during the twelve months preceding the effective
4 date of this act, the agency shall notify the director of the joint
5 legislative budget committee of the savings realized by the posting, printing
6 and distribution requirements applicable to an annual report made within
7 twelve months after the effective date of this act.

8 Sec. 5. Delayed repeal

9 Section 4 of this act, relating to notice of savings, is repealed on
10 January 1, 2004.

APPROVED BY THE GOVERNOR MAY 1, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2002.

Passed the House March 27, 2002,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]
Speaker of the House

Norman L. Spore
Chief Clerk of the House

Passed the Senate April 17, 2002,

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting

[Signature]
President of the Senate

Chermin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2414

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

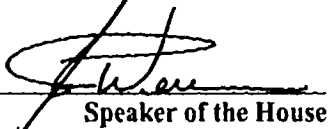
Secretary of State

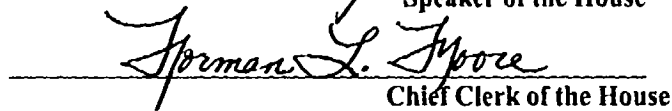
HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 25, 2002,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting


Speaker of the House


Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25 day of April, 2002,

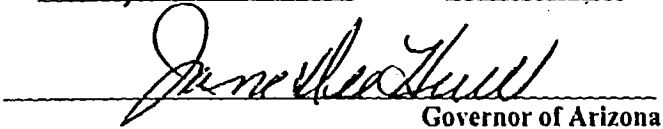
at 1:59 o'clock P M.


Secretary to the Governor

Approved this 1 day of

May, 2002,

at 9:25 o'clock 9 M.


Governor of Arizona

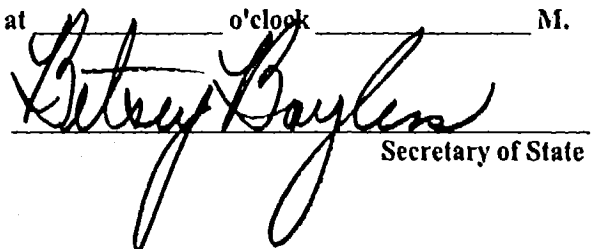
H.B. 2414

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 02 day of May, 2002

at _____ o'clock _____ M.


Secretary of State